



TOWN OF WALPOLE COMMONWEALTH OF MASSACHUSETTS

Walpole Town Hall
135 School Street
Walpole, MA 02081
Phone (508) 660-7300
Fax (508) 660-7303

Informational Guide to Chapter 40B & Overview of Housing Developments in Walpole

With the filing of four Comprehensive Permit Applications in Walpole in 2019, the Town has received many questions from residents about the Comprehensive Permit Law, the process, the Town's affordable housing inventory, the status of the major housing developments currently under construction downtown, the Town's Affordable Housing production Plan and the Town's role and involvement facilitating the process of a MGL Chapter 40B application. This informational sheet has been prepared to help residents better understand the process and what is happening with the development in Walpole.

What is Chapter 40B?

MGL Chapter 40B, also known as the Comprehensive Permit Law, is a state statute that was enacted in 1969 to address the shortage of affordable housing in Massachusetts. MGL Chapter 40B sets a goal for every community in Massachusetts to provide a minimum of 10% of their housing inventory as affordable. To achieve this, developers who file an application to build a 40B development are allowed to bypass certain local zoning bylaws, specifically the allowable density, so long as 20 to 25% of the units being built meet the state's definition of affordable.

What is "Affordable Housing"?

Affordable housing is officially defined as a housing unit that can be purchased or rented by a household earning at or below 80% of the Area Median Income (AMI) at less than or equal to 30% of their income. Walpole's AMI is based on the metropolitan regional area of Boston-Cambridge-Quincy MA-NH Metropolitan Statistical Area.

The figures below are used to determine household eligibility for affordable housing programs. For 40B programs, sale prices are generally based on what a household with 70% of the median can afford using no more than 30% of its income in order to create a broader range of eligible buyers.

2018 HUD Income Limits for Housing Affordability (Boston-Cambridge-Quincy MA –NH MSA)				
Number in Household	Household Income Classification (Dollars)			
	30% of Median	50% of Median	60% of Median	80% of Median
1	\$ 22,650	\$ 37,750	\$ 45,300	\$ 56,600
2	\$ 25,900	\$ 43,150	\$ 51,780	\$ 64,900
3	\$ 29,150	\$ 48,550	\$ 58,260	\$ 73,000
4	\$ 32,350	\$ 53,900	\$ 64,680	\$ 81,100
5	\$ 34,950	\$ 58,250	\$ 69,900	\$ 87,600
6	\$ 37,550	\$ 62,550	\$ 75,060	\$ 94,100
7	\$ 40,150	\$ 66,850	\$ 80,220	\$ 100,600
8	\$ 42,750	\$ 71,150	\$ 85,380	\$ 107,100

Source: US Department of Housing & Urban Development

Which units count toward the state’s 10% affordable housing goal?

Only units listed on a Town’s Subsidized Housing Inventory (SHI) count towards the State’s 10% affordable housing goal for that town. Housing units generally qualify for listing in the SHI if they meet the following requirements:

- Units must be part of a “subsidized” development built or operated by a public agency, non-profit, or limited dividend organization;
- At least 25% of the units in the development must be income-restricted to families with incomes not to exceed 80% of the median and have rents or sale prices restricted to affordable levels;
- The units must be made available to income-eligible people on a fair, open basis in accordance with an affirmative fair housing marketing and resident selection plan; and
- The development must be subject to a regulatory agreement and monitored by a public agency or non-profit organization.

Where does Walpole stand in terms of with our affordable housing stock?

The Town recently completed a housing production plan that was approved by the Massachusetts Department of Housing and Community Development on April 25, 2019. Walpole’s affordable housing stock stands at 7.1% (485 units) towards the 10%. The list below depicts the current Chapter 40B developments in production in Walpole as of October 2019:

Development	Location	Number of Units	Status
Wall Street Development	Burns Avenue	32 units	10/2019 under ZBA review
Moose Hill Condominiums	Moose Hill Road	8 units	Determination of Eligibility
Wall Street Development	Dupee Street	12 units	Determination of Eligibility
Omni Properties	Summer Street	300 units	Determination of Eligibility

Recent efforts that the Town of Walpole has undertaken to achieve its 10% goal:

➤ **Housing Partnership & Housing Production Plan**

In 2018, the Board of Selectmen appointed members of the community to join the Walpole Housing Partnership. The mission of the Housing Partnership is to facilitate the availability of affordable housing by proactively identifying the needs of residents for affordable housing strategies to produce affordable housing that is consistent with other town priorities, the Housing Production Plan, the Town Master Plan, and the Town’s character.

The Housing Partnership spent much of 2018 updating the 2013 Housing Production Plan. Housing Production Plans are proactive strategies for planning and developing affordable housing. Communities that adopt a Housing Production Plan and execute its implementation strategies are more likely to achieve both their affordable housing and community development goals.

The WHP held several “listening sessions” in 2018 with Walpole residents to solicit input and ideas to present housing information to help inform residents of the Town. A public forum was held on December 10, 2018 to present the draft plan and solicit further input, and the Walpole Housing Production Plan was formally approved by the state Department of Housing and Community Development on April 25, 2019.

➤ **Spring 2019 Annual Town Meeting – Age Qualified Villages**

The Spring 2019 Town Meeting adopted two warrant articles that amended the Zoning Bylaw as it relates to the development of affordable housing units in Age Qualified Villages (AQVs). Article 20 deleted a provision *encouraging* developers of AQVs to designate at least 15% of the units within the development as affordable, and replaced it with a provision *requiring* developers of AQVs to designate at least 10% of the units as affordable.

Article 21 enabled the Planning Board to increase the site density by one unit of housing for every 6,000 square feet of the total site area, when a developer proposes a minimum of 15% of all housing units to be affordable within an AQV.

➤ **Fall 2019 Annual Town Meeting - Inclusionary Zoning and Housing Trust**

The Board of Selectmen, in collaboration with the Walpole Housing Partnership, is sponsoring two articles on the Fall 2019 Town Meeting warrant establishing an Inclusionary Zoning Bylaw and an Affordable Housing Trust. The inclusionary zoning bylaw would require larger-scale developments to include affordable units in addition to market-rate housing. Developers not wishing to provide these affordable units may either make a payment to the Affordable Housing Trust or donate suitable property to the Town for a future affordable housing development.

Other projects that are pending in Walpole:

Many residents have asked what the status is of some of other larger housing developments in Walpole that did not file a 40B application. The following list below describes the current projects under development in Walpole:

➤ **Liberty Village/Foundry Project at intersection of East and Elm Streets – site sold 8/18/17 - \$5,320,000 - 2.39 acres**

- 152 market rate apartment units with 15k sq. of commercial/retail space.
- 52 one-bedroom units and 100 two-bedroom units
- This Project was allowed under the Walpole Zoning bylaws.

Project approved by the Zoning Board on May 17, 2017 for the following items:

1. A Special Permit under Section 8 (Parking Regulations): 4 (Baseline Parking Calculation): C. of the Zoning Bylaw to allow less than the minimum parking required (211 spaces where 304 are required)
2. Variance from Section 6 (Dimensional Regulations): Table 6-B-1 (Table of Dimensional Regulations) of the Zoning Bylaw to allow a maximum building height of fifty-nine feet (59') where fifty-two feet (52') is allowed
3. a Variance Section 5 (Use Regulations), Table 5-B.1 (Use Table) Section 3 (Residential) g. (Use of a floor other than the ground floor or basement for dwelling units) i. (within the CBD) to allow a commercial to residential floor area ratio greater than 3.5 and allow 202,360 s.f. of residential area on four (4) floors

A Site Plan approval was granted by the Planning Board on May 18, 2017.

➤ **Corcoran/Walpole Station Project at 95 West Street– site sold 4/4/18 - \$9,770,000 - 2.57 acres**

- 192 market rate apartment units with approximately 5,000 s.f. of commercial/retail space on the ground floor;
- 20 studio units, 83 one-bedroom units, 79 two-bedroom units and 10 three-bedroom units
- This Project was allowed under the Walpole Zoning bylaws.

Project approved by the Zoning Board on May 3, 2017 for the following items:

1. A Special Permit under Section 5-B (Schedule of Use Regulations): 4 (Business): w. (Automobile parking lots for which a fee is charged) of the Zoning Bylaw to allow a commercial parking garage containing approximately 51,345 +/- s.f. and 146 parking spaces
2. A Special Permit under Section 8 (Parking Regulations): 4 (Baseline Parking Calculation): C. of the Zoning Bylaw to allow less than the minimum parking required (235 spaces where 384 are required)
3. Variance from Section 6 (Dimensional Regulations): Table 6-B-1 (Table of Dimensional Regulations) of the Zoning Bylaw to allow a maximum building height of sixty-four feet (64') where fifty-two feet (52') is allowed
4. Variance from Section 8 (Parking Regulations): 8 (Parking Lot Design): A (Parking Space and Aisle Dimensions): Table 8.8.A.1 (Parking Space and Aisle Dimensions) to allow a parking space depth of eighteen feet (18') where eighteen and ½ feet (18.5') are required and a minimum drive aisle width of twenty-four feet (24') where twenty-six feet (26') are required

A Site Plan approval was granted by the Planning Board on June 1, 2017.

➤ **Walpole Woodworkers – site sold 11/15/18 \$4,879,999 - 16.47 acres**

- 186 1 & 2 bedroom A QV condos.
- Project was allowed under the Walpole Zoning bylaws under the Age Qualified section. A Site Plan approval and Special permit was granted by the Planning Board for this Project on September 6, 2018.

Water and Sewer usage in Walpole:

Many residents have expressed concerns over the town's ability to handle the added sewer flow and water usage that will be recognized as a result of all of the development that is taking place in Walpole.

On the sewer side, all of Walpole's sanitary sewage flows to the MWRA and at the time there is no limit on the amount that can be discharged. Any capacity issues that may be present in the town's system are identified during a peer review study that is required to be performed by Walpole's sewer consultant.

On the water side, the Town is currently permitted to withdraw an average of 3.34 million gallons per day. The average daily demand over the last three years has been 2.4 million gallons per day. The town has been told for at least 5+ years that the DEP is going to reduce the permitted volume from the current 3.34 million gallons per day to somewhere in the area of 2.52 million gallons per day, however this has not yet taken place. The sheet below demonstrates Walpole's projected water system demand with all of the growth that is expected to occur in town. As with sewer, the capacity of the water system is also evaluated and peer reviewed by the town's consultant.

CURRENT WMA PERMIT 3.34 MGD
PROPOSED BASELINE WMA WITHDRAWAL 2.53 MGD
WALPOLE 3 YEAR AVERAGE DAILY DEMAND (2016-2018) 2.4 MGD

EXPECTED GROWTH WITH CORRESPONDING WATER DEMAND

Expected Growth	Commercial/ Residential	Details	Approx. Water Demand (MG Per Day)
New Pond Village Expansion	Residential	Mixed Units	0.0073
Siemens Expansion	Commercial	160,000 gallons /day	0.16
New Moose Hill Residential Units*	Residential	157 Units	0.0175
New 95 West St. Apartments	Residential	192 Units	0.032
New Age Qualified (55+) Living (Renmar)	Residential	103 Units	0.015
New Hotel on Route 1* (Home Suites)	Commercial	116 Rooms	0.01
New Single-Family Residences* (Roscommon)	Residential	41 Homes	0.0084
New Commercial Business at 192 West St.	Commercial	10,000 Square Foot Building	0.0075
New Liberty Village Apartments	Residential	152 Units (100x2 Bed, 52x1 Bed)	0.028
New Condos - Pulte Development (AQV)	Residential	186 Units (113 x 2 Bed, 73 x 1 Bed)	0.025
New Single-Family Residences	Residential	7 Residences (4 bedrooms/residence)	0.0038
New Eastover Condos*	Residential	3 Buildings/12 Units/32 Bdrms	0.0014
New Echo Estates (Main St.)	Residential	4 Res. (4 Bedroom ea.)	0.0018
New Single Residences on Lincoln Road	Residential	20 Res. (4 Bedroom ea.)	0.009
New Single-Family Residences on High St.	Residential	5 Family Residences	0.0014
New Residences at Pine Acres (North St.)	Residential	4 Residences	0.001
New Business at 1327 Main Street	Commercial	5,335 Square Foot Building	0.0004
New Urgent Care Facility	Commercial	23,000 Square Foot Building	0.0009
New Condos at Burns Ave. 40B	Residential	36 Units/90 Bedrooms	0.01
New Nichols Estates	Residential	11 Single Family Units	0.003
New Daycare Center on South Street*	Commercial	300 Children	0.006
New Daycare Center on North Street	Commercial	100 Children	0.002
New Mall Expansion with New Restaurant	Commercial	Assumed 5,000 gallons/day average	0.005
New Pine Street AQV*	Residential	30 Units	0.0009
New Hotel on Route 27 (LaQuinta)	Commercial	116 Rooms	0.013
Summer Street 40B	Residential	300 Rental/Own Units 546 Bdrms	0.0606
Dupee St. 40B	Residential	12 Condos (30 Bedrooms)	0.0033
Moosehill Road 40B	Residential	8 Units (20 Bedrooms)	0.0022

* Partially occupied for partial year.
Portion of projected demand accounted
for in 3 year average

Total Est. Growth Demand at Build Out - .4364 MGD
Walpole 3 year ADD 2.40 MGD
Total Projected Demand at Build Out - 2.84 MGD

MGL Chapter 40B Application & Local Review Process*

1.	<p>Project Eligibility</p> <p>For developers, entry to the comprehensive permit process begins with a Project Eligibility (PE) application to a Subsidizing Agency. The application includes basic components such as site location and description, the proposed buildings and approximate number units, preliminary development pro forma, conceptual site plans, and evidence of site control. After receiving a PE application, the agency notifies the municipality and starts the clock on a 30-day comment period. The Subsidizing Agency will issue a decision after the close of a local comment period. The developer, the municipality, and the ZBA receive a copy of the PE determination.</p>
2.	<p>Comprehensive Permit Process</p> <p>Upon determination of project eligibility, the local Zoning Board of Appeals opens a public hearing. The ZBA will seek comment from other Town Departments and other local boards and committees. The ZBA will also review traffic, site civil engineering, environmental impact, and design review, before ultimately making a decision.</p> <p>The ZBA must issue a decision on a comprehensive permit within 40 days of the public hearing closing. The decision must be approved by a simple majority of the ZBA members. The decision must be filed with the town clerk, and once it is filed, a 20-day appeal period ensues. An aggrieved developer files an appeal with the Housing Appeals Committee.</p>
3.	<p>Final Approval</p> <p>The Final Approval process is the Subsidizing Agency's responsibility and it occurs after the ZBA has issued a comprehensive permit. The Final Approval process includes review and approval of the affordable housing restriction that will govern the project.</p>
4.	<p>Construction & Occupancy</p> <p>Once the Subsidizing Agency has granted Final Approval, the developer can apply for a building permit to begin construction of the project. During the construction period, the developer will begin to market the affordable units under an affirmative fair housing marketing and resident selection plan, approved by the Subsidizing Agency.</p>
5.	<p>Post-Occupancy Oversight</p> <p>When the project is finished and occupied, the Subsidizing Agency will assume responsibility for monitoring compliance with the affordable housing restriction and Regulatory Agreement.</p>
<p><i>* This description is intended to provide a summary of the Comprehensive Permit process for the reader's convenience only and is not intended to be a substitute for reading the statutory or regulatory requirements of the Comprehensive Permit Act.</i></p>	

What options does the Town have over development created under MGL Chapter 40B?

The Board of Selectmen and other town officials work with developers to offer preliminary input to the project prior to submittal of the formal application to the Zoning Board of Appeals. The Zoning Board may include conditions and requirements of any aspect of the project such as height, density, site plan, utility improvements, or long-term affordability, but generally provides limited opportunity for Town officials to alter a developer's plans.

A 40B development is proposed for my neighborhood. What can I do to learn more and stay involved with the process?

Once project eligibility is determined by the Subsidizing Agency, the Zoning Board of Appeals schedules a public hearing in accordance with 40B regulations and the Open Meeting Law. Public hearings are open to the public and residents who are interested in the project are encouraged to follow meeting postings online and attend the public hearings. Interested residents may visit Walpole-Ma.gov/40B for additional information regarding 40B developments.

For additional information about MGL Chapter 40B, residents are also encouraged to contact the MA Department of Housing & Community Development or visit www.mass.gov/orgs/housing-and-community-development .